



3. Bayer seeks a stay of that order and of discovery because there is currently no operative complaint in this case. Pursuant to Fed. R. Civ. P. 26(b)(1), the scope of discovery is limited to “nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case.” At present, however, because there is no live or viable complaint, there is no “claim or defense” to which discovery could be relevant.
4. In addition, through this District’s Pilot Program, Bayer has already produced a significant amount of material to Plaintiff. Producing additional materials would be burdensome, and Bayer should not have to undertake those burdens when no viable claim or defense is pending.

WHEREFORE, Bayer respectfully requests that this Court stay the minute entry and all discovery in this case pending the filing of an amended complaint that survives a motion to dismiss. In the alternative, and at a minimum, Bayer requests that the Court order Plaintiff to post a bond to cover Bayer’s ongoing discovery costs unless and until Plaintiff files an amended complaint that is not dismissed.

Respectfully submitted,

By: /s/ Eugene A. Schoon  
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Dated: June 4, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on June 4, 2018, a copy of the foregoing was electronically filed in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system. Parties may access this filing through the court's system.

\_\_\_\_\_*/s/ Eugene A. Schoon*